Previous references.

File No. 264

1904

(III Courts)

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1 to 2

PART B FOR May 1905

SUBJECT.

Rules of practice in the matter of issue of fine warrants.

FILE No. 264 of 1904-05.

Rule of Practice in the matter of issue of fine warrants.

1	From the Registrar, Chief Court of Mysore, No. 5614—302, dated the 12th April 1905. Requests the sanction of Government to the enclosed Draft Rule in the matter.
2	To the Registrar, Chief Court, the Inspector General of Police, the Inspector General of Prisons, and all District Magistrates, Proceedings No. J. 3111-21, dated the 2nd May 1905. Sanctions the Rule of Practice requiring all fine-warrants to be addressed, for execution, to the District Superintendent of Police within whose jurisdiction the property to be attached or sold exists, etc.

G. R. S. 11] 1904.

GENERAL AND REVENUE SECRETARIAT.

(Courts)

NOTES.

File No. 264

FILE HEADING.

Rule of Practice in the matter of issue of Jail warrants.

From

The Registrar of the Chief Ct. of Mysore

No. 564/322 Dated 12/4/05 Received 14/4/05

Diary No. 3443	Enclos. one Spare Copies. —	Serial No. 1.

BRIEF ABSTRACT OF LETTER.

Requests the sanction of Govt. to the enclosed draft Rule of practice in the matters.

NOTES AND ORDERS.

Record 8/5/05

The rule provides for the issuance of Jail warrants by the Dist. Supdt. of Police within whose jurisdiction the property to be attached is believed to exist or by such officer as he may appoint in writing in this behalf

NOTES—First sheet.

MGCPB—25,000—18-8-04

G.R.S. 12]
General and Revenue Secretariat.

File No. 264 of 1904

Serial No.

2 This it is stated, will secure superior police supervision over the execution of such warrants as also uniformity of practice. To this procedure the Inspector General of Police has no objection.

3 The rule is also intended to check the practice of some magistrates ordering excessive fines.

4 Draft sanctioning is ord

No 20/10/05 SP 10/10/05

5 The first part of the proposed Rule seems unobjectionable.

6 It is difficult to see what effect can be given to the second part. Are Magistrates, before inflicting sentences of imprisonment in default of which fines are imposed, expected to make a reference to the Police in every case to find out the extent of the offender's moveable property? This seems hardly expedient. If not, how is the Magistrate in particular to satisfy himself that there is a reasonable prospect of realization? There is already an effective rule of law [cf. s. 63 of the Penal Code] that fines shall not be excessive. The proposed express direction does not seem to advance matters in any way.

8 This I believe is in relation to the offence & not to the means of the offender. Moreover there seems no harm in accelerating the proceedings.

7 I share the same view.

Lee 4
12-10-05

Serial No.

Copy submitted to the Diwan Saheb thro the Dt Commissr

W

22-4-1905

2453
26-4-05
Copy.

10 No preliminary enquiry either by a reference to the Police or otherwise, is evidently intended. Such informal enquiry as may be possible at the time of passing the sentence, is I believe all that the direction aims at. Even now it is not unusual for most of our Magistrates & Judges to make such an enquiry from the parties concerned or other people present in Court, so as to satisfy themselves as far as possible that no fine is imposed which is wholly disproportionate to the means of the Offender. In this view I think the Rafi-puk of Petitions received from the Civil Court may be approved.

CL.

Copy returned
28/4/05

27/4/05

6165
27-4-05

G.R.S. 12]

General and Revenue Secretariat.

File No. 2 64 of 1905

Serial No.

2

Vide Mysore gazette Part III dt 25/5/05

Proceedings No g. 3111-2+6 the Registrar g. the lebiy court, D-g g. polices D.g g. prisons + all Dt magstes.

Sanctions the draft Rule of practice received with the Regis trars letter.

MGCPB—20,000—1-11-04.

Bangalore, 12th April 1905.

From

V.A.Raja Ratna Mudaliar Esquire,

Registrar, Chief Court of Mysore.

To

B.K.Venkatavaradaiengar Esquire,

Secretary to Government, Gl.& Rev.Depts.

Sir, I am directed to request the sanction of Government to the enclosed draft Rule of Practice re issue of fine warrants. The purpose of the rule is to secure superior police supervision over the execution of such warrants as also uniformity of practice. The second part of the Rule is intended to check the practice of some Magis-trates ordering excessive fines without satisfying themselves of the possibility of such fines ever being realized.

The Inspector General of Police, who has been consulted, has no objection to the issue of the proposed rule.

I have the honor to be,

Sir,

Your Most Obedient Servant;

REGISTRAR.

In the Chief Court of Mysore.

Criminal Side.

Rule of Practice No. dated

Under Section 554 of the Code of Criminal Procedure and with the concurrence of the Government of His Highness the Maharaja of Mysore the following rule is issued by the Chief Court for regulating the practice of the Criminal Courts in the matter of the issue of fine warrants.

All warrants for the levy of fines will ordinarily be addressed to the District Superintendent of Police within whose jurisdiction any property liable to be attached and sold is believed by the Court to exist or to such subordinate Police officer as the District Superintendent of Police may by writing appoint in that behalf. The form of address will be "To The District Superintendent of Police for execution by himself or such officer as he may by writing appoint in this behalf for execution" A Register of such warrants will be maintained in the office of the District Superintendent of Police.

Before passing sentences of fine Magistrates will satisfy themselves that the fines are such that there is a reasonable prospect of their being realized.

REGISTRAR.

mm

G.R.S. 28]

File No. 284

Serial No. 2

Diary No. of letter replied to J 343

Proceedings of the Government of His Highness the Maharaja of Mysore.

GENERAL AND REVENUE SECRETARIAT.

(Courts)

Vide Mysore Gazette Part III, dt. 25/5/05

2/151

1905

Date of issue 2/5/05

Signed by Addl. H. S.

Chandrashekhara Aiyar

Sd. 27-4-05

6171

Sd. 28.4.05

Sd. 1.5.1905

READ.—

Letter no 5614 of the 322 19th April 1905, from the Registrar of the Chief Court of Mysore, requesting the sanction of Government to the adoption of a draft rule of Practice providing for the execution of fine warrants by the District Superintendent of Police within whose jurisdiction the property to be attached or sold is believed to exist or by such subordinate police officer as he may appoint in writing in this behalf. and requesting

over

SUBJECT

MGCPB—5,000—21-6-04

4

Magistrates passing sentences of fines to satisfy themselves that they are such as can be realised.

(Here enter draft Rule)

Order Memo:- J 3111-21 dt. 2/5/05
C: 764-2

The draft rule appended received with the letter read above is sanctioned.

Govr 4/5/05

Secretary

The Registrar of the Chief Court
The Inspector General of Police.
" Dy Magistrates in Mysore
" " in Mysore & Nundidroog Zone

mcs
21/4/05
SM
21/4/05

Copied 1/5/05.

Examined. SM 1-5-05